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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Maki Kawasaki

600630-17US (563114)

6281

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7590

03/21/2008

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EXAMINER

EGWIM, KELECHI CHIDI

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's affirmation of the election without traverse of species Ia and IIa, claims 1, 2, 5 and 6 in the reply filed on 12/03/2007 is acknowledged. The application still contains claims 3, 4 and 7, withdrawn without traverse from by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugano, for reasons cited in the previous action.

4. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki et al., for reasons cited in the previous action.

5. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsushima, for reasons cited in the previous action.

***Claim Rejections - 35 USC § 103***

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugano combination with Tsushima or Takagawa et al., for reasons cited in the previous action.

***Response to Arguments***

7. Applicant's arguments filed 12/03/2007 have been fully considered but they are not persuasive.

8. Regarding Sugano, applicant is directed to ¶ 27, on the last line of page 5 in Sugano, where the "2,2-dichlorovinyl" fabric protectant is taught. The "2-chloro-2-fluorovinyl" compound is merely a preferred species.

9. Regarding the arguments against Sugano, Aoki or Tsushima, that a teaching of the film that envelops the fabric protectant is required to reject the claims, the examiner suggests that if applicant wishes to claim the film comprising the fabric protectant, applicant should claim said film. However, even with the intended application with a film recited in the claims, the claims are still directed to the fabric protectant comprising the two compounds, and not the film enveloping the fabric protectant.

10. Regarding the 103 rejections based on Takagawa et al. as a secondary reference, one cannot show nonobviousness by attacking secondary references

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individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant's arguments in this regard amount to a general allegation of non-obviousness, without specifically pointing out why the combination of the reference, with regard to these claims, would not render the rejected claims obvious.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kelechi C. Egwim whose telephone number is (571) 272-1099. The examiner can normally be reached on M-T (7:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dr. Kelechi C. Egwim/  
Primary Examiner, Art Unit 1796

KCE